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DATE:	March 30, 2004	TOTAL # OF PAGES: (INCLUDING THIS COVER SHEET)	7
TO:	William R. Dickson Special Program Examiner Tech Center, 1600	FAX #:	(703) 872-9306
FIRM NAME:	U.S. Patent and Trademark Office	PHONE #:	
FROM:	Richard F. Trecartin, Reg. No. 31,801	FAX #:	(415) 398-3249
PHONE #:	(415) 781-1989	EMAIL:	trecartin.rick@dorsey.com

## COMMENTS:

In re application of Zarling, *et al.*  
Serial No.: 09/771,355  
Filed: January 26, 2001  
For: Use of RAD51 Inhibitors for  
P53 Gene Therapy

**PLEASE NOTIFY EXAMINER DICKSON  
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ORIGINAL WILL BE SENT VIA: ☐ MAIL ☐ E-MAIL ☐ MESSENGER ☐ AIR COURIER ☒ WILL NOT BE SENT

PLEASE CONTACT WENDY WILSON AT (415) 544-7043 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

REFERENCE #


DORSEY & WHITNEY LLP • WWW.DORSEY.COM • T 415.781.1989 • F 415.398.3249  
FOUR EMBARCADERO CENTER • SUITE 3400 • SAN FRANCISCO, CALIFORNIA 94111-4187

USA CANADA EUROPE ASIA

PATENT  
Matter/Docket No. 467135-00098/A-68872-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re application of  Zarling, <i>et al.</i>	Art Unit: 1636
Serial No.: 09/771,355	Examiner: Lambertson, D. A.
Filed: January 26, 2001	CERTIFICATE OF FACSIMILE TRANSMISSION
For: Use of RAD51 Inhibitors for P53 Gene Therapy	I hereby certify that this correspondence and listed attachments are being facsimile transmitted to the U.S. Patent Office, (703) 872-9306. Attn: William R. Dickson, Special Program Examiner, Tech Center, 1600, on <u>March 30, 2004</u>
	Signed:  Wendy Wilson

SUPPLEMENT TO PETITION TO WITHDRAW FROM REPRESENTATION  
TO INCLUDE POWER OF ATTORNEY

Director, U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313

Sir:

This is submitted in response to the Status Letters received in connection with Petitions to Withdraw submitted for patent applications owned by Pangene Corporation. In these Status Letters, it is stated that there is no record that the undersigned, Richard F. Trecartin, or Dorsey & Whitney LLP are of record in this application and that the Petition to Withdraw was dismissed.

Attached hereto is a copy of the Petition to Withdraw from Representation, the Supplement to Petition to Withdraw from Representation to Include Future Correspondence Address, and a Power of Attorney relating to the above identified patent application.

The enclosed Power of Attorney specifically identifies the undersigned, Richard F. Trecartin, Reg. No. 31,801, as having Power of Attorney in this application. The law firm identified in this Power of Attorney is Flehr Hohbach Test Albritton & Herbert LLP (the Flehr firm). The Flehr firm was acquired by Dorsey & Whitney LLP in May of 2002. We are located at the same address identified for the Flehr firm but with a name change to Dorsey & Whitney LLP.

It is submitted that the undersigned and the law firm of Dorsey & Whitney LLP have a Power of Attorney in this matter. Alternatively, the undersigned and the law firm of Dorsey & Whitney LLP have apparent authority to prosecute these patent applications based upon our continuing activity in prosecuting these applications after the acquisition of the Flehr firm by Dorsey & Whitney LLP.

Serial No.: 09/771,355  
Filed: January 26, 2001

Prompt and favorable consideration of the Petition to Withdraw from Representation is requested.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date March 30, 2004

Four Embarcadero Center, Suite 3400  
San Francisco, California 94111  
Telephone: (415) 781-1989  
1135771


  
Richard F. Trecartin, Reg. No. 31,801

Customer No. 32940

PATENT

Matter/Docket No. 467135-00098/A-68872-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of  Zarling, <i>et al.</i>	Art Unit: 1636
Serial No.: 09/771,355	Examiner: Lambertson, D. A.
Filed: January 26, 2001	CERTIFICATE OF MAILING
For: Use of RAD51 Inhibitors for P53 Gene Therapy	I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail, with sufficient postage, addressed to the Director, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313 on February 6, 2004
	Signed:  Wendy Wilson

## PETITION TO WITHDRAW FROM REPRESENTATION

Director, U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313

Sir:

Petitioner hereby requests permission to withdraw from further representation of the applicant involving the above identified matter.

The basis for this request for withdrawal is that the assignee, Pangene Corporation, has filed for bankruptcy under Chapter 7 (Dissolution). At present, Pangene owes Petitioner well in excess of \$25,000. It is our understanding that there are insufficient funds to cover Petitioner's outstanding invoices and any future work which may be required in this or related applications.

There are no outstanding substantive matters in this application. As such, no prejudice will occur upon the grant of this Petition to Withdraw.

Prompt and favorable consideration of this Petition would be appreciated.

This Petition is being submitted under Section 1.36 which is not subject to the normal petition fee as set forth in Section 1.17(h). However, should any petition fee or other fee be required in this matter, the Director is authorized to charge Deposit Account No. 50-2319 (Order No. 467135-00098/A-68872-1).

Respectfully submitted,

DORSEY &amp; WHITNEY LLP

Date February 6, 2004

Four Embarcadero Center, Suite 3400  
San Francisco, California 94111  
Telephone: (415) 781-1989  
1129228

  
Richard F. Trecartin, Reg. No: 31,801

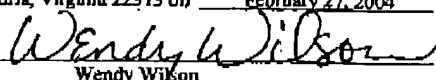
Customer No. 32940

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## PATENT

Matter/Docket No. 467135-00098/A-68872-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of  Zarling, <i>et al.</i>  Serial No.: 09/771,355  Filed: January 26, 2001  For: Use of RAD51 Inhibitors for P53 Gene Therapy	Art Unit: 1636  Examiner: Lambertson, D. A.  CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail, with sufficient postage, addressed to the Director, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313 on February 27, 2004  Signed:  Wendy Wilson
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SUPPLEMENT TO PETITION TO WITHDRAW FROM REPRESENTATION  
TO INCLUDE FUTURE CORRESPONDENCE ADDRESS

Director, U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313

Sir:

Attached hereto is a copy of the Petition to Withdraw from Representation in the above identified case filed February 6, 2004. After the grant of this Petition, please forward all future correspondence to:

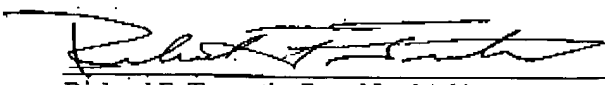
Pangene Corporation  
P.O. Box 2326  
Menlo Park, CA 94026-2326

Respectfully submitted,

DORSEY &amp; WHITNEY LLP

Date February 27, 2004

Four Embarcadero Center, Suite 3400  
San Francisco, California 94111  
Telephone: (415) 781-1989  
1132222

  
Richard F. Trecartin, Reg. No. 31,801

Customer No. 32940

**POWER OF ATTORNEY BY ASSIGNEE**

(Not Accompanying Application)

The undersigned assignee of the entire interest in application for letters patent entitled: USE OF RAD51 INHIBITORS FOR p53 GENE THERAPY and having the named inventors David A. Zarling and Gurucharan Reddy and having Serial No. 09/771,355 and filing date of January 26, 2001.

hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 1.32:

Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Robin M. Silva, Reg. No. 38,304; Edward N. Bachand, Reg. No. 37,085; Maria S. Swiatek, Reg. No. 37,244; Michael Ananian, Reg. No. 35,050; Michael A. Kaufman, Reg. No. 32,998; Todd A. Lorenz, Reg. No. 39,754; and Brian T. Clarke, Reg. No. 45,552;

provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Direct all telephone calls to Richard F. Trecartin, Esq. at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187

Assignee: Pangene Corporation

Signature: 

Address: 5500 Stewart Avenue

Fremont, California 94538

Date: 5/18/01

File No. A-68872-1/RFT/RMS/BTC

1050824

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA (Oakland)

-----  
In re:

Chapter 7

PANGENE CORPORATION,

BKY Case No. 03-46351

Debtor.  
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## UNSWORN AFFIDAVIT OF SERVICE

Wendy J. Wilson states that on the 8th day of March, 2004, she did send by U.S. Mail addressed to:

Office of the U.S. Trustee  
1301 Clay Street, #690N  
Oakland, California 94612


John Kendall  
2411 Santa Clara Avenue, Suite 12  
Alameda, California 94501

Pangene Corporation  
P.O. Box 2326  
Menlo Park, California 94026-2326

Stephen H. Kim  
Law Offices of Murray and Murray  
19330 Stevens Creek Blvd. #100  
Cupertino, California 95014-2526

the last known addresses of said addressees in which envelopes she had first placed a true and correct copies of the following documents:

Supplement to Petition to Withdraw from Representation to Include Power  
of Attorney and attachments listed therein.

  
Wendy J. Wilson